

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 17-CR-173-JPS

TIMOTHY OLSON,

ORDER

Defendant.

On October 11, 2017, the government filed a single-count Information charging the defendant with making a false statement to a financial institution in violation of 18 U.S.C. §§ 1014 and 2. (Docket #1). On October 12, 2017, the parties filed a plea agreement indicating that the defendant agreed to plead guilty to the Information. (Docket #2).

The parties appeared before Magistrate Judge David E. Jones on November 6, 2017, to conduct a plea colloquy pursuant to Federal Rule of Criminal Procedure 11. (Docket #5). The defendant entered a plea of guilty as to the Information. *Id.* After cautioning and examining the defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Jones determined that the guilty plea was knowing and voluntary, and that the offense charged was supported by an independent factual basis containing each of the essential elements of the offense. (Docket #5 and #8).

Next, during the November 6, 2017 hearing, the parties moved under Fed. R. Crim. P. 32(c)(1)(A)(ii) to forgo presentence investigation and preparation of a presentence report. (Docket #5 at 2). The parties believe that that the record in this case, which includes a recitation in the plea agreement of the facts supporting a guilty plea, along with an additional proffer to be

made at sentencing, would enable this Court to meaningfully exercise its sentencing authority. (Docket #8 at 2-3).

Following the November 6, 2017 hearing, Magistrate Jones filed a report and recommendation with this Court, recommending that the defendant's plea of guilty be accepted and the defendant be adjudicated guilty and have a sentence imposed accordingly. (Docket #8). Magistrate Jones also recommended that this Court grant the parties' request to waive the presentence investigation and preparation of a presentence report. *Id.*

Pursuant to General L. R. 72(c) (E.D. Wis.), 28 U.S.C. § 636(b)(1)(B), and Federal Rules of Criminal Procedure 59(b) or 72(b) if applicable, the parties were advised that written objections to the Magistrate's recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation. To date, no party has filed such an objection.

The Court has considered Magistrate Jones' recommendation and, having received no objection thereto, will adopt it in part. Specifically, the Court adopts Magistrate Jones' recommendations that (1) the defendant's plea of guilty be accepted and (2) the defendant be adjudicated guilty and have a sentence imposed accordingly. (Docket #8 at 3). However, the Court respectfully declines to adopt Magistrate Jones' recommendation that the Court not order a presentence investigation and preparation of a presentence report. (Docket #8 at 3). The Court will not proceed with sentencing without the benefit of a presentence investigation and report.


Accordingly,

IT IS ORDERED that Magistrate Judge David E. Jones' report and recommendation (Docket #8) be and the same is hereby **ADOPTED in part**. The Court accepts the defendant's guilty plea and will impose an appropriate sentence at a hearing scheduled for January 31, 2018; and

IT IS FURTHER ORDERED that the Probation Office conduct a presentence investigation and prepare a presentence report. The presentence report shall be filed on or before **Friday, January 5, 2018**. Objections to the presentence report shall be filed on or before **Tuesday, January 16, 2018**. Responses to any objections shall be filed on or before **Tuesday, January 23, 2018**.

Dated at Milwaukee, Wisconsin, this 28th day of November, 2017.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge